

Fill in this information to identify the case:

United States Bankruptcy Court for the:

**Western District of Texas**

Case number (if known) Chapter **11**

☐ Check if this an amended filing

Official Form 205

**Involuntary Petition Against a Non-Individual**

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**

1. Chapter of the Bankruptcy Code Check one:

- ☐ Chapter 7  
☒ Chapter 11

**Part 2: Identify the Debtor**

2. Debtor's name **SurgePower Materials, Inc.**

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or doing business as names.

4. Debtor's federal Employer Identification Number (EIN) ☐ Unknown **83-1312470**  
EIN

5. Debtor's address	Principal place of business	Mailing address, if different
	<b>1224 Industrial Dr., Suite C</b>	
	Number Street	Number Street
		P.O. Box
	<b>New Braunfels TX 78130-0000</b>	
	City State Zip Code	City State Zip Code
	<b>Comal</b>	<b>Location of principal assets, if different from principal place of business</b>
	County	Number Street
		City State Zip Code

6. Debtor's website (URL) **surgepowermaterials.com**

7. Type of debtor ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)  
☐ Partnership (excluding LLP)  
☐ Other type of debtor. Specify:

Debtor SurgePower Materials, Inc.

Case number (if known) \_\_\_\_\_

**8. Type of debtor's business** Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the types of business listed.  
☐ Unknown type of business.

**9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?**☒ No☐ Yes. Debtor

Relationship \_\_\_\_\_

 District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
 MM / DD / YYYY

Debtor \_\_\_\_\_ Relationship \_\_\_\_\_

 District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
 MM / DD / YYYY
**Part 3: Report About the Case****10. Venue**

Check one:

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.  
☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

**11. Allegations**

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).  
 The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

*At least one box must be checked:*

- ☒ The debtor is generally not paying its debts as they become due, unless they are in the subject of a bona fide dispute as to liability or amount.  
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

**12. Has there been a transfer of any claim against the debtor by or to any petitioner?**☒ No☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).**13. Each petitioner's claim**

Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
<u>Ecliptic Holdings I, LLC</u>		<u>\$300000</u>
		<u>\$</u>
<u>Ecliptic Evergreen Innovations Fund I LP</u>		<u>\$500000</u>
		<u>\$</u>
<u>Harborock Ltd.</u>		<u>\$25000</u>
		<u>\$</u>
<u>Carbonaceous Green Investments LLC</u>		<u>\$100000</u>
		<u>\$</u>
<u>Gibson, Steven George</u>		<u>\$20000</u>
		<u>\$</u>

Debtor SurgePower Materials, Inc.

Case number (if known) \_\_\_\_\_

Shaffer, Richard Thomas\$150000

\$

Total of petitioners' claims

\$1095000

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

**Part 4 Request for Relief**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

**Petitioners or Petitioners' Representative****Attorneys**

Name and mailing address of petitioner

Ecliptic Holdings I, LLC

Name

Attn: Mike Millard, Authorized Agent

1209 West 5th St., 3rd Floor

Number Street

Austin TX 78703-0000

City

State

Zip Code

Name and mailing address of petitioner's representative, if any

Mike Millard

Name

1209 West 5th St., 3rd Floor

Number Street

Austin TX 78703-0000

City

State

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/19/2022

DocuSigned by:

D / YYYY

Mike Millard

- Authorized Agent

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Signature of petitioner or representative, including representative's title

Mark C. Taylor

Printed name

Waller Lansden Dortch & Davis LLP

Firm name, if any

100 Congress Ave., Ste. 1800

Number Street

Austin TX 78701-0000

City

State

Zip Code

Contact phone

512-685-6400

Email

mark.taylor@wallerlaw.comBar number 19713225 TX

State

TX/s/ Mark C. Taylor

Signature of attorney

12/20/2022

Date signed

MM / DD / YYYY

**Petitioners or Petitioners' Representative****Attorneys**

Name and mailing address of petitioner

Ecliptic Evergreen Innovations Fund I LP

Name

Attn: Mike Millard, Authorized Agent

1209 West 5th St., 3rd Floor

Number Street

Austin TX 78703-0000

City

State

Zip Code

Mark C. Taylor

Printed name

Waller Lansden Dortch & Davis LLP

Firm name, if any

100 Congress Ave., Ste. 1800

Number Street

Debtor SurgePower Materials, Inc.

Case number (if known) \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any****Mike Millard**

Name

**1209 West 5th St., 3rd Floor**

Number Street

**Austin TX 78703-0000**

City State Zip Code

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on 12/19/2022

DocuSigned by: \_\_\_\_\_



- Authorized Agent

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Signature of petitioner or representative, including representative's title

**Austin TX 78701-0000**

City State Zip Code

Contact phone **512-685-6400** Email mark.taylor@wallerlaw.comBar number **19713225 TX**State **TX**/s/ Mark C. Taylor

Signature of attorney

12/20/2022

Date signed

MM / DD / YYYY

**Petitioners or Petitioners' Representative****Name and mailing address of petitioner****Harborock Ltd.**

Name

**Attn: Kevin Przybocki, Manager****4302 Aqua Verde Dr.**

Number Street

**Austin TX 78746-0000**

City State Zip Code

**Name and mailing address of petitioner's representative, if any****Kevin Przybocki**

Name

**4302 Aqua Verde Dr.**

Number Street

**Austin TX 78746-0000**

City State Zip Code

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on 12/19/2022

DocuSigned by: \_\_\_\_\_



- Manager

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Signature of petitioner or representative, including representative's title

**Attorneys****Mark C. Taylor**

Printed name

**Waller Lansden Dortch & Davis LLP**

Firm name, if any

**100 Congress Ave., Ste. 1800**

Number Street

**Austin TX 78701-0000**

City State Zip Code

Contact phone **512-685-6400** Email mark.taylor@wallerlaw.comBar number **19713225 TX**State **TX**/s/ Mark C. Taylor

Signature of attorney

12/20/2022

Date signed

MM / DD / YYYY

**Petitioners or Petitioners' Representative****Name and mailing address of petitioner****Carbonaceous Green Investments LLC**

Name

**Attn: William G. Huff, Manager****3001 Mail Route Rd.**

Number Street

**Fischer TX 78623-0000**

City State Zip Code

**Attorneys****Mark C. Taylor**

Printed name

**Waller Lansden Dortch & Davis LLP**

Firm name, if any

**100 Congress Ave., Ste. 1800**

Number Street

**Austin TX 78701-0000**

Debtor SurgePower Materials, Inc.

Case number (if known) \_\_\_\_\_

## Name and mailing address of petitioner's representative, if any

**William G. Huff**

Name

**3001 Mail Route Rd.**

Number Street

**Fischer TX 78623-0000**

City

State

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/19/2022

DocuSigned by:

MM / DD / YYYY

 - Manager

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Signature of petitioner or representative, including representative's title

City

State

Zip Code

Contact phone **512-685-6400**Email mark.taylor@wallerlaw.comBar number **19713225 TX**

State

**TX**/s/ Mark C. Taylor

Signature of attorney

12/20/2022

Date signed

MM / DD / YYYY

## Petitioners or Petitioners' Representative

## Attorneys

## Name and mailing address of petitioner

**Gibson, Steven George**

Name

**7308 Callbraun Ln.**

Number Street

**Austin TX 78736-0000**

City

State

Zip Code

## Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

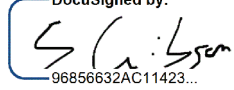
Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/19/2022

DocuSigned by:

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Signature of petitioner or representative, including representative's title

**Mark C. Taylor**

Printed name

**Waller Lansden Dortch & Davis LLP**

Firm name, if any

**100 Congress Ave., Ste. 1800**

Number Street

**Austin TX 78701-0000**

City

State

Zip Code

Contact phone **512-685-6400**Email mark.taylor@wallerlaw.comBar number **19713225 TX**

State

**TX**/s/ Mark C. Taylor

Signature of attorney

12/20/2022

Date signed

MM / DD / YYYY

## Petitioners or Petitioners' Representative

## Attorneys

## Name and mailing address of petitioner

**Shaffer, Richard Thomas**

Name

**22 Sheringham**

Number Street

**San Antonio TX 78218-0000**

City

State

Zip Code

## Name and mailing address of petitioner's representative, if any

Name

**Mark C. Taylor**

Printed name

**Waller Lansden Dortch & Davis LLP**

Firm name, if any

**100 Congress Ave., Ste. 1800**

Number Street

**Austin TX 78701-0000**

City

State

Zip Code

Contact phone **512-685-6400**Email mark.taylor@wallerlaw.com

Debtor SurgePower Materials, Inc.

Case number (if known) \_\_\_\_\_

Bar number 19713225 TX

State TX

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/19/2022

DocuSigned by: \_\_\_\_\_ J / YYYY

*Richard Shaffer*

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Signature of petitioner or representative, including representative's title

/s/ Mark C. Taylor

Signature of attorney

Date signed 12/20/2022

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